

## EXHIBIT A

**WHEN RECORDED RETURN TO:**

Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266

Preparer Information: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450

### AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to Development Agreement is entered into this 15<sup>th</sup> day of November, 2010, by and between DML Land Development, L.C., an Iowa limited liability company (hereinafter "Developer") and the City of Ankeny, Iowa, an Iowa municipality, as an Amendment to the Development Agreement recorded on April 18, 2009 in Book 11612, Page 166 in the Polk County Recorder's Office (hereinafter "Agreement").

Now, therefore, it is hereby agreed as follows:

1. On July 23, 2008, the Developer filed for bankruptcy protection under Chapter 11 of the Bankruptcy Code in the U.S. Bankruptcy Court for the Southern District of Iowa, Case No. 08-2803. The Developer's Third Amended Plan of Reorganization dated March 11, 2009 (Docket Item 113, hereinafter the "Plan"), which was approved and confirmed by the Bankruptcy Court by Order entered May 14, 2009 (Docket Item 127), contemplates and provides for a sale or other transfer of the following real property:

The North 290 feet of the South 340 feet of the West 300.42 feet of Outlot "Z" in Cherry Glen Estates Plat 2, an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa,

2. In consideration of the Developer's transfer to the City of the real property described in paragraph 1 above, the City acknowledges payment in full of the construction costs to be paid by the Developer in accordance with the Agreement.

3. Pursuant to and consistent with the terms of the Plan, the City acknowledges that any connection fees to be paid by the Developer in accordance with Paragraph 7 of the Agreement are to be paid to Eric Brewer, CPA, as Trustee of the DML Creditors' Trust Agreement dated September 4, 2009, at 5550 Wild Rose Lane, Suite 400, West Des Moines, Iowa 50266.

4. In all other respects, the Agreement, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the City has caused this Amendment to be duly executed in its name and on its behalf by its Mayor and its seal is hereto duly affixed and attested by its Clerk and Developer has caused this Agreement to be executed by its duly authorized representative.

Dated this 15<sup>th</sup> day of November, 2010.

**The City of Ankeny, Iowa**

ATTEST:

By: \_\_\_\_\_  
Steven D. Van Oort, Mayor

By: \_\_\_\_\_  
Pamela DeMouth, City Clerk

**STATE OF IOWA, POLK COUNTY, ss:**

On this 15<sup>th</sup> day of November, 2010, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven D. Van Oort and Pamela DeMouth, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ankeny, Iowa; that the seal affixed to the foregoing instrument to which this is attached is the corporate seal of the City; that the instrument was signed and sealed on behalf of the City by authority of its City Council, as contained in the Resolution adopted by the City Council of Ankeny, Iowa on the 15<sup>th</sup> day of November, 2010; and that Steven D. Van Oort and Pamela DeMouth, as such officers, acknowledged the execution of the instrument to be the voluntary act and deed of the City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**DML Land Development, L.C.**

By: Mark Bockenstedt  
Mark Bockenstedt, Manager

**STATE OF IOWA, COUNTY OF POLK, ss:**

On the 2<sup>nd</sup> day of October, 2010, before me, a Notary Public in and for the said State, personally appeared Mark Bockenstedt, to me personally known, who, being by me duly sworn, did say that that person is Manager of said limited liability company; that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Mark Bockenstedt acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Susan Farquharson  
Notary Public in and for the State of Iowa

